

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VIRGARRETT BECENTI,

Plaintiff,

vs.

No. CV 19-00715 JCH/LF

WARDEN VIGIL,
CORRECTIONAL OFFICER J. SARTAIN,
CHAPEL ORTIC,
UNIT MANAGER JASLYN,
UNIT MANAGER W. PEREZ,
SERGEANT TURANO,

Defendants.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court *sua sponte* under Fed. R. Civ. P. 41(b) on the Complaint for Violation of Civil Rights filed by Virgarrett Becenti (Doc. 1). The Court will dismiss the Complaint without prejudice for failure to comply with a Court order, failure to comply with local rules, and failure to prosecute.

On May 2, 2022, the Court entered a Memorandum Opinion and Order dismissing the Complaint and granting Plaintiff Becenti leave to file an amended Complaint within 30 days. (Doc. 12). The copy of the Court's Memorandum Opinion and Order sent to Plaintiff Becenti at his address of record was returned as undeliverable and indicated he had been "discharged". (Doc. 13). New Mexico Department of Corrections records confirm that Plaintiff has been released from custody. More than 30 days has elapsed since entry of the Memorandum Opinion and Order and Plaintiff Becenti has not filed an amended Complaint, has not responded to the Memorandum

Opinion and Order, has not provided the Court with a new address, and has not communicated with the Court.

Pro se litigants are required to follow the federal rules of procedure and simple, nonburdensome local rules. *See Bradenburg v. Beaman*, 632 F.2d 120, 122 (10th Cir. 1980). The local rules require litigants, including prisoners, to keep the Court apprised of their proper mailing address and to maintain contact with the Court. D.N.M. LR-Civ. 83.6. Plaintiff Becenti has failed to comply with D.N.M. LR-Civ. 83.6, and with the Court's May 2, 2022 Memorandum Opinion and Order (Doc. 12).

Plaintiff Becenti has failed to comply with the Court's order and failed to prosecute this action by not keeping the Court apprised of his current address. The Court may dismiss an action under Fed. R. Civ. P. 41(b) for failure to prosecute, to comply with the rules, or to comply with court orders. *See Olsen v. Mapes*, 333 F.3d 1199, 1204, n. 3 (10th Cir. 2003). Therefore, the Court will dismiss this civil proceeding pursuant to Rule 41(b) for failure to comply with the Court's May 2, 2022 Memorandum Opinion and Order, failure to comply with D.N.M. LR-Civ. 83.6, and failure to prosecute this proceeding.

IT IS ORDERED that the Complaint for Violation of Civil Rights filed by Virgarrett Becenti (Doc. 1) is **DISMISSED** without prejudice under Fed. R. Civ. P. 41(b) for failure to comply with the Court's Memorandum Opinion and Order, failure to comply with the local rules, and failure to prosecute.



SENIOR UNITED STATES DISTRICT JUDGE